

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOHN THAT LUONG,
Defendant.

Case No. [96-cr-00094-JSW-1](#) (JSW)

**DECLARATION OF
JURY ADMINISTRATOR
ALBERT W. "J" YOUNGER**

Re: Dkt. No. 2136

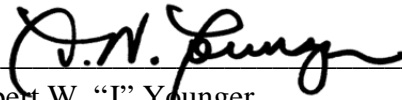
I, Albert W. "J" Younger, declare and state the following:

1. I am the Jury Administrator for the office of the Clerk of the United States District Court for the Northern District of California. I have held this position since April 2013. As Jury Administrator, I am responsible for maintaining Jury Office records according to Judicial Conference policy and all applicable statutes and regulations.
2. I have read the Court's Order of January 24, 2014. I am submitting this declaration to answer the Court's inquiry as to whether any of the materials identified by Mr. Luong at page 2, lines 9-21 of his motion for discovery, are available for production.
3. The docket shows the superseding indictment was filed in 1998. That suggests indictment by a grand jury drawn from either the 1996 or 1998 wheel of qualified jurors.
4. Voir dire and jury trial began in 2000, suggesting that petit jurors would have come from either a 1998 or 2000 wheel of qualified jurors.
5. Pursuant to the Court's General Order 6, Sec. VII, the master jury wheel of each division is "emptied and refilled as soon as practicable every two years immediately following the close of registration for the general election."
6. The Judicial Conference established a records disposition schedule, which is memorialized in its Guide to Judiciary Policy, Volume 10, Appendix 6B.
7. According to this records disposition schedule, jury records may be disposed of "4 years after the master jury wheel has been emptied and refilled and all persons selected have completed jury service, unless extended by the court." It is Clerk's Office policy to destroy records as soon as practicable after they become eligible for destruction pursuant to

1 the records disposition schedule.

- 2 8. Due to the extended nature of grand jury service, grand jurors are the last-selected jurors to
3 complete their service for any given wheel. In view of the service extensions described in
4 General Order 6, Sec. XV, grand jurors from the 2000 wheel (the latest wheel
5 contemplated in paragraphs 3 and 4 above) would have completed their service no later
6 than 2005. The Judicial Conference's records disposition policy would therefore allow
7 destruction of jury records for the 2000 wheel beginning in, at the latest, the year 2009.
- 8 9. I was not in this position in the years during which the jury records sought would have
9 been created.
- 10 10. I have searched the Jury Office's records and did not find any of the materials sought.
- 11 11. I believe the records pertaining to the wheel(s) from which the grand and petit juries were
12 drawn, including the names, any statistical compilations concerning the makeup of the jury
13 pool, the juror qualification questionnaire, and JS-12 forms, have been destroyed pursuant
14 to the records disposition schedule.
- 15 12. Since 2000, the district court's wheel-building/qualification and jury selection procedures
16 have changed dramatically as the Clerk's Office has leveraged technology to automate
17 most of those processes. To the extent that there were written procedures regarding the
18 processes in place around 1998 and 2000 (including any manuals of procedures to create
19 and qualify jury wheels, any written instructions given to prospective jurors, documents
20 describing the procedure used to excuse prospective jurors for any reasons, and any records
21 setting forth procedures used to empanel jurors), I believe those documents were disposed
22 of pursuant to the same section of the records disposition schedule.

23 I declare under penalty of perjury that the foregoing is true and correct. This declaration was
24 executed in San Francisco, California on February 18, 2014.

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28 Albert W. "J" Younger
Jury Administrator